

House File 443 - Introduced

HOUSE FILE _____
BY MASCHER and SWAIM

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to access to obscene materials and child in need
2 of assistance proceedings and child abuse reporting.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2003YH 83
5 jp/rj/8

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1 1 Section 1. Section 232.2, subsection 6, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. r. Whose parent, guardian, or other
1 4 custodian allows the child access to obscene material as
1 5 defined in section 728.1, or such material has been
1 6 disseminated or exhibited to the child by the parent,
1 7 guardian, other custodian, or person responsible for the care
1 8 of the child as defined in section 232.68.

1 9 Sec. 2. Section 232.68, subsection 2, Code 2009, is
1 10 amended by adding the following new paragraph:
1 11 NEW PARAGRAPH. j. The person responsible for the care of
1 12 a child or any other adult in contact with the child has
1 13 directly or indirectly allowed the child access to obscene
1 14 material as defined in section 728.1, or has disseminated or
1 15 exhibited such material to the child.

1 16 EXPLANATION

1 17 This bill relates to obscene material in child in need of
1 18 assistance proceedings and child abuse cases.

1 19 The bill modifies the definition of "child in need of
1 20 assistance" to include situations where a parent, guardian, or
1 21 other custodian, allows the child access to obscene material
1 22 as defined in Code section 728.1, or such material has been
1 23 disseminated or exhibited to the child by the parent,
1 24 guardian, other custodian, or person responsible for the care
1 25 of the child. By modifying the definition of child in need of
1 26 assistance to include such situations, a child who is
1 27 adjudicated a child in need of assistance under Code section
1 28 232.96 is subject to the least restrictive dispositional order
1 29 pursuant to Code sections 232.100 through 232.102.

1 30 The bill also modifies the term of "child abuse" to include
1 31 situations where a person responsible for the care of the
1 32 child or any other adult in contact with the child allows the
1 33 child direct or indirect access to obscene material or
1 34 disseminates or exhibits such material to the child. By
1 35 modifying the definition of "child abuse" to include such
2 1 situations, a professional listed in Code section 232.69 is
2 2 required to report the child abuse. In addition a person who
2 3 commits child abuse by allowing direct or indirect access to
2 4 obscene material or disseminates or exhibits such material to
2 5 the child, may be subject to the child abuse registry
2 6 provisions.

2 7 Under Code section 728.2, disseminating or exhibiting
2 8 obscene material to a person under age 18 is a serious
2 9 misdemeanor criminal offense. Code chapter 728 includes other
2 10 offenses involving a child's access to obscene materials.

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